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AUTHOR Matteucci, Sherry
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ABSTRACT

In July 1973, Montana adopted a new constitution that gave the Board of Regents greater autonomy in directing the Montana University System. The purposes of the move were: (1) to remove as much as possible the governance of higher education from the sometimes capricious influence of politics, and (2) to attempt to insure the development of a coordinated and efficient system. This report provides a summary of the numerous and diverse tasks accomplished or initiated during the first three years under the new governance structure. Activities in the area of academic affairs include: curriculum proposals, collaborative programs, program review, Ph.D. program review, transferability of credits, role and scope statements, curriculum reform, continuing and vocational education, and community colleges. Fiscal affairs activities highlighted include accountability and a uniform accounting system. Activities in the area of legal affairs include development of a legal staff, collective bargaining, administrative proceedings, legislative liaison, litigation, and preventive legal work. In the management area, activities included development of policy, public information, federal programs, facilities planning, computer capability, cooperation with other agencies and boards, special services, and staff expansion. The activities of the Commission of Postsecondary Education that were reviewed and the recommendations implemented are reported. (JMF)

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Transition in Higher Education
July 1, 1973 - July 1, 1976

Montana University System

Office of the Commissioner of Higher Education
1231 Eleventh Avenue
Helena, Montana 59601

Prepared By: Sherry Matteucci
Special Assistant to the Commissioner

PREFACE

Montanans changed the form of governance for their university system when they adopted a new constitution which became effective on July 1, 1973. While the 740,000 citizens of the state will have various, and often conflicting, notions about what ought to be done to improve management of the university system and extend educational opportunity, there appears to be widespread agreement that the system of six campuses requires direction and central control. What follows is a report to the people of Montana on what has been done during the first three years of the new governance system.

The record is not a perfect one. We have made our share of mistakes. There have been a few false starts. And, on occasion, we have tried to move too fast, sometimes overlooking the rights of those on the campuses who are the most directly affected by our actions. But we believe on the whole it is a very good record of achievement. Often we have had to reverse practices that carried 70 years' impetus behind them. As one might have predicted, each move to establish and assert the authority of the Regents or the Commissioner of Higher Education has met with massive resistance by those who perceive a threat in any such change. We believe, however, that we have a mandate from the people, and we are moving steadily ahead to fulfill that obligation.

This report was prepared under the direction of Sherry Matteucci, Assistant to the Commissioner, with the assistance of the other professional staff in the Commissioner's office.

Lawrence K. Pettit
Commissioner of Higher Education

July 27, 1976

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July, 1976

Commissioner of Higher Education	Lawrence K. Pettit B.A. University of Montana A.M. Washington University Ph.D. University of Wisconsin
Deputy Commissioner for Academic Affairs	Freeman J. Wright B.A. Montana State University M.S. Montana State University Ph.D. Johns Hopkins University
Deputy Commissioner for Finance	John H. Noble, Jr. B.A. University of Montana M.A. University of Montana CPA Montana
Director of Accounting	Ronald M. Near B.A. Sacramento State College

Commissioner's Staff (cont.)

Assistant Commissiner for Labor Relations and Legal Affairs	Barry L. Hjort B.A. University of Montana J.D. University of Montana
Director of Special Projects	William J. Lannan B.A. Carroll College M.A. University of Nebraska
Special Assistant to the Commissioner	Sherry Matteucci B.A. Eastern Washington State Univ.
Director of Public Information	Rick Farrant
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TRANSITION IN HIGHER EDUCATION
July 1, 1973 to July 1, 1976

INTRODUCTION

In 1972 a Constitutional Convention drafted for Montana a new document to serve as the basic statement of philosophy concerning the rights and responsibilities of the citizens of the state and the functions and obligations of state government. The delegates to that Convention felt that the Board of Regents should have greater autonomy in directing the Montana University System for two primary reasons: first, to remove, as much as possible, governance of higher education from the sometimes capricious influence of politics, and second, to attempt to insure the development of a coordinated and efficient system. The people of the state affirmed the judgment of the delegates through ratification of the new Constitution on June 6, 1972, to be effective July 1, 1973.

In addition to granting the Board of Regents "full power, responsibility, and authority to supervise, coordinate, manage and control the Montana University System" (Article X, Section 9), the new Constitution provides for another significant change. "The board shall appoint a commissioner of higher education and prescribe his term and duties."

The Board of Regents, prior to the Constitutional change, was served by an Executive Secretary who functioned in an administrative capacity, but without direct authority over the campuses. Upon appointment of the Commissioner of Higher Education, the Board began to take steps to expand the function and authority of its executive officer and to play a more direct and substantial role in providing leadership in higher education.

Much of the first year under the new structure was spent in identifying the areas which required the most immediate attention of the Board and the Commissioner. Six standing committees were organized to allow the Board

members to concentrate on specific issues and to develop expertise which would enable them to make recommendations to the full Board. The committees established were: By-Laws and Policy, Curriculum, Budget, Capital Construction and Community Colleges and Vocational Education. The first serious deficiency noted was the lack of uniform policies and practices among campuses and a tendency toward competition rather than cooperation. The Board determined that the only way to alleviate these problems was through the establishment of a strong central authority, and made it clear that such authority would be vested in the Office of the Commissioner of Higher Education.

With the delegation of broad authority came the responsibility to produce results. It was clear to the Board and the Commissioner that in order to meet this responsibility additional staff would be required. The process of biennial appropriations meant, however, that for the first two years the Commissioner's office was funded by an appropriation that had been made for the old executive secretary's office. A reduction in federal funding during the same period resulted in a smaller total administrative budget for the Commissioner than had been provided the executive secretary. It was not until July, 1975, that the Budget for the Commissioner's office was increased to allow the development of a qualified professional staff.

This report is intended to provide a summary of the numerous and diverse tasks which have been accomplished or were initiated during the first three years under the new governance structure. Although it is impossible to provide detailed, comprehensive information on every aspect of the operation of the Commissioner's office, the report will indicate the scope of activities.

I. ACADEMIC AFFAIRS

Under the previous structure, the Montana University System had no chief academic officer. There was no mechanism for continual program review,

no effective method of assessing or preventing duplication of programs, no opportunity for the Board of Regents to evaluate program effectiveness, and no means through which centralized curriculum planning could be accomplished. This section of the report will summarize the steps which have been taken to remedy those deficiencies.

Curriculum Proposals

In October, 1973, the Board adopted policy which set forth guidelines for campuses to follow when submitting curriculum proposals to the Board of Regents for approval. The intent of the guidelines was to insure that complete information on objectives, costs, faculty and library support, projected numbers of students, etc., was presented.

In October, 1975, the Deputy Commissioner for Academic Affairs recommended that degree proposals address directly the question of duplication of other programs within the System. Following that recommendation, the Commissioner of Higher Education directed the campuses to include a statement on collaboration with other units, evidence of expected degree production and evidence of employability for graduates of specialized, professional programs. It was further established that after January, 1976, a proposal prospectus must be forwarded to the Commissioner of Higher Education to allow discussion and evaluation before a complete proposal is developed.

Collaborative Programs

The control of duplication of programs in the Montana University System is a top priority of the Board of Regents and the Commissioner. Upon recommendation by the Commissioner, the Board had made it clear that whenever possible new programs will be offered in a collaborative fashion drawing upon the resources of more than one campus. Such collaboration not only reduces duplication but also reduces the need for addditional faculty and maximizes use of resources available within the System.

During the past three-year period only one degree proposal which contained no elements of inter-unit collaboration was approved by the Board. A degree in Society and Technology at Montana College of Mineral Science and Technology was approved to replace degrees in History and English which were withdrawn by the Board in 1975.

The primary example of collaborative programs which have been adopted is the Master of Public Administration which is administered by an inter-unit committee made up of faculty members from the University of Montana and Montana State University. In addition to the campus components, the program has a significant component in Helena. Each campus independently submitted its own proposal to the Board. The Board, however, accepted the Commissioner's recommendation that only a joint degree program should be approved. Other collaborative programs are in geochemistry and rural planning. No graduate program without collaborative elements was approved during the 1975-76 academic year.

Program Review

In December, 1974, the Board of Regents adopted the Commissioner's proposal that he "undertake immediately a review of duplication of Ph.D. programs in the Montana University System," and undertake "as soon as possible a review of all teacher training programs in the Montana University System with the intent of reducing duplication and improving quality." In order to do so the appointment of an academic officer was essential. In September, 1975, after a lengthy nationwide search, the Deputy Commissioner for Academic Affairs was appointed and began formulating guidelines for both of these projects.

Review of Ph.D. Programs

Ten Ph.D. programs which may be considered to be duplicative were identified. These programs are in Botany, Chemistry, Mathematics, Microbiology

and Zoology. A series of meetings was initiated between the Deputy Commissioner for Academic Affairs, the Academic Vice Presidents and the Graduate Deans of the two Universities to develop criteria and guidelines for review and evaluation of Ph.D. programs. The recommendations were adopted by the Commissioner of Higher Education in January, 1976, and were then used by departments to develop information for consideration by outside reviewers. In accordance with a nationally accepted practice of using out-of-state reviewers to consider programs for which elimination is considered, professionals were selected after recommendation by the appropriate professional associations. The reviewers received the information compiled by the individual departments at least a month prior to their campus visitations. Visitations have now been completed for all duplicative Ph.D. programs and reports have been forwarded to the Commissioner and Regents. The reports have been distributed to the two campuses for response.

In summary, objective criteria and professional reviewers have recommended whether the scope of education at the Ph.D. level should be reduced in Montana. If programs are eliminated, charges cannot be fairly made that the programs were cut for any reasons other than those related to quality or need. The Commissioner's recommendations to the Regents -- scheduled for September, 1976 -- will be made on the basis of these reviews.

Cycle of Program Reviews

The Board, although giving top priority to review of Ph.D. and teacher training programs, also determined that all other academic programs in the Montana University System should be reviewed. In accordance with this determination, a five-year cycle for program review was established by the Board, upon recommendation of the Commissioner, in October, 1975. This cycle is intended to be continuous and is designed to insure that review is on-going and comprehensive. The following timetable was adopted:

1975-76	Education (Graduate and Undergraduate); Ph.D. programs offered at more than one institution; Mathematics, Microbiology, Chemistry, Zoology, Botany
1976-77	Life Sciences, Agriculture, Forestry, Medically related and veterinary programs; Pharmacy (concurrently with reaccreditation)
1977-78	Social Sciences; Law, Journalism; Business; Home Economics
1978-79	Humanities, Fine Arts, Architecture
1979-80	Physical Sciences, Engineering, Mathematics
1980-81	Cycle recommences (Ph.D. programs previously reviewed will be considered in years in which they fit by subject matter)

Review of Teacher Education

A primary concern of both the Board of Regents and others concerned with higher education has been the question of teacher training programs. Early in 1976, a series of meetings between the Deputy Commissioner for Academic Affairs, Deans of Education and Academic Vice Presidents resulted in agreement that the following questions were central to this aspect of program review: First, what is the appropriate number and kind of teacher training programs in the Montana University System; and second, are the programs as currently designed effective in training good teachers?

In order to address these questions, it was necessary to acquire data including an inventory of current programs, information on the content of these programs, statistics on the number of graduates over the past five years, measurement of projected demand for teachers, and information on placement of graduates. In order to draw valid conclusions, information was also sought on the composition of education facilities, comparisons of grade point averages for students in schools of education, entrance requirements and accreditation status of the programs. In addition to collecting information from the campuses, questionnaires were designed for dis-

tribution to teachers employed in the profession, and to superintendents of schools. Advanced students preparing to become teachers were polled by telephone. The rate of responses was high and much valuable information, both objective and subjective, was elicited.

After careful review of the composite information, recommendations were forwarded to the Commissioner of Higher Education by the Deputy Commissioner for Academic Affairs. Those recommendations contain alternative proposals on all aspects of teacher training programs including the number of required credits in professional education, subject area majors for secondary school teachers, emphasis on practical components in education programs, admission requirements for teacher candidates, evaluation of prospective teachers, a system of common courses required for certification, and entrance requirements for graduate programs in education. Another recommendation calls for the formation of committees made up of public school teachers who would advise both schools of education and subject area departments on curricular matters which relate to the preparation of teachers.

Other recommendations and alternatives presented to the Commissioner concern possible reductions in program scope and duplication in both undergraduate teacher preparation and in graduate education. As in other reviews of doctoral level programs, out-of-state reviewers were invited to the campuses to evaluate current curricula. Two of these reviewers recommend consolidation of Ed.D. programs. The reviewers' reports were forwarded to the campuses to allow full discussion of proposed alternatives.

The most significant recommendation contained in the Final Report on Teacher Education in Montana is that an inter-unit committee be appointed to implement the curricular components of reform. According to the report "the committee would be charged with implementing and refining clearly

established curricular policy". The committee would be composed of faculty representing both subject areas and professional education and would allow careful review of proposed modifications. The committee would be the vehicle for implementation of approved changes on a reasonable and appropriate schedule. As noted in the Final Report, this review and its results "is the state's major effort to improve the program which involves more faculty and students than any other. . . . Consequently, it is important to devise a structure which can be responsive to problems which may be encountered and which can provide guidance on a continuing basis.

Transferability of Credits

In the past, complaints have often been voiced by students who have encountered difficulty in transfering credits between institutions. Given the large percentage of students who do not complete their academic programs at the institutions at which they began them, transferability has been a significant concern. In 1975 the Council of Academic Vice Presidents, in cooperation with the Deputy Commissioner for Academic Affairs, undertook a study of transferability in the Montana University System which resulted in a series of recommendations to the Commissioner. Implementation has either been accomplished or initiated on the following:

1) All courses completed at regionally accredited institutions of higher education will be accepted and recorded on the official transcript of the student;

2) Credits will be applied toward the free elective requirements of degree programs if they are not applicable toward the major;

3) All units of the Montana University System are authorized to determine the applicability of credits earned at other institutions.

4) The Council of Academic Vice Presidents will recommend procedures to resolve transferability questions.

These recommendations, which were adopted as policy by the Board of Regents in February, 1976, are applicable to community colleges as well as to units of the Montana University System.

Role and Scope Statements

Each unit of the Montana University System was directed to submit a revised, comprehensive role and scope statement to the Commissioner of Higher Education for his review and subsequent adoption by the Board. These statements provide an outline of the responsibilities of each unit and serve as a framework for future planning and development. The new format of these statements will enable their use in the assessment of academic program proposals, planning for both the individual campus and the System, and assist in the determination of appropriate use of campus and systemwide resources.

The revised statements will include sections on the history and development of the institution, the current Regent-approved role and scope statement, and academic program information. When appropriate, the statements will also include sections on research, continuing education, public service and other activities. Enrollment projections will be included along with a statement on goals and objectives of each institution.

Although only in draft form, these statements have already assisted the Commissioner in providing meaningful information to executive branch and legislative officials who are concerned with long-range planning for the State of Montana. Statements will be refined and presented to the Board of Regents by September, 1976.

Curricular Reform

In June of 1975, the Board of Regents directed that the degree programs

in History and English at Montana College of Mineral Science and Technology be withdrawn. That decision was made on the basis of an evaluation of Montana Tech's then-current role and scope statement. The Board also utilized material collected by the Commission on Postsecondary Education which resulted in that body's recommendation that these degree programs be terminated. In addition, the staff of the Commissioner of Higher Education assisted the Board in reviewing relevant material.

The statement adopted by the Board on June 9, 1975, reflected the Board's intention that "viable alternative degrees" be explored which would better utilize the specific resources and capabilities available at Montana Tech. Following the action of the Board, faculty committees were established to begin formulating proposals. The Commissioner himself and later the Deputy Commissioner for Academic Affairs worked closely with faculty and administration at Tech to design a program which would complement the unique role of the institution. In April, 1976, the Board approved the bachelor of science and the bachelor of arts in Society and Technology. These degrees are interdisciplinary in nature and are designed to insure the maintenance of a strong humanities program at Montana Tech. These programs are among the first in the country to use innovative approaches in integrating technical, scientific expertise with studies of how society responds to and can best utilize its technology.

A third interdisciplinary degree program in Occupational Safety and Health was also approved by the Board. The program, which is one of only a few in the country, will enable students at Montana Tech to evaluate working conditions and design and implement safety programs through application of principles of engineering, physical and behavioral sciences, management and law.

Another action taken by the Board of Regents which has demonstrated the Board's willingness to exercise its authority in order to responsibly manage the University System occurred in March, 1976. The viability of Western Montana College had long been questioned in some quarters. The Board affirmed its intention to maintain operation of the University System at six locations, and examined a number of alternative organizational structures formulated by the Commissioner. The objective was to adopt a structure which could better utilize existing resources, result in more efficient management, insure the orderly growth and development of the System, and continue to provide maximum educational opportunity for Montana's citizens.

As a first step, the Board adopted a proposal to merge Western Montana College and the University of Montana. The details and mechanics of the merger are to be developed and proposed by representatives of those two institutions in cooperation with the Commissioner of Higher Education. An interim president has been appointed at Western as of July 1, 1976. A committee has been appointed and is working to formulate concrete plans for consolidation.

Continuing Education

Providing opportunities for continuing education has long been a concern in the Montana University System. An inter-unit committee on continuing education made up of directors of these programs throughout the system was appointed by the Commissioner and has worked closely with his staff. In early 1975 this committee submitted a recommendation to the Commissioner proposing the authorization of Continuing Education Units (CEU's). The recommendation, approved by the Board in June, 1975, provides a method for officially recording and measuring the participation of students in noncredit continuing education programs. According to the approved policy, "the CEU will be used for the measurement, recording, reporting, accumulation, transfer and recognition of

participation by adults in programs which seldom have been recorded in a systematic way with any sense of permanence, signifcance or transferability."

A major review of continuing education policy was begun in 1975. The inter-unit committee developed a master plan which will have broad implications in the Montana University System. The proposed modifications are designed to increase signficantly access to higher education for people who are not traditionally regarded as students. The plan has been reviewed by the Commissioner whose recommendations were approved by the Board in July, 1976.

The proposed plan contains several radical departures from current policy. Continuing education will become a formal, recognized program of the institution with state support for courses generating credit. Previous distinctions between continuing education and other academic programs in terms of types of credits, student credit hours, budgeting, institutional support, etc., will be eliminated. The following are the major elements of the plan:

1) Financial and philosophical distinctions between extension and resident credit have been eliminated for all credit continuing education courses.

2) Enrollment statistics generated from such courses will be included in the regular enrollment reports from the institutions for purposes of preparing budget requests.

3) Students enrolling in off-campus credit programs will pay registration and incidental fees. In addition, off-campus students will pay a service fee which will be assessed based on the location of the course offered.

4) The cooperative efforts of the institutions in the area of continuing education will be strengthened through the development of appropriate policies related to the following:

    a) role and scope of each unit as it relates to continuing education
    b) fees charged and instruction stipends
    c) cooperative continuing education programs
    d) transferability of credits
    e) co-registration in continuing education programs and other academic programs.

Other recommendations of the plan address the need for a uniform reporting system (to reflect accurately student credit hour production and to facilitate planning), and a need for improvement in the ability to assess public demand for continuing education activities.

Vocational Education

Although vocational education is not generally considered to be a major responsibility of the Montana University System, there are several programs offered at a number of its institutions. Northern Montana College, for example, is engaged in the training of vocational education teachers and, to support that training, offers courses in automotive, construction, mechanical and agricultural technology. The Board of Public Education is vested with the authority for administration of vocational technical education and authorized funds are distributed by the Superintendent of Public Instruction. In order to facilitate better coordination in this area, a joint committee has been established by the Board of Regents and the Board of Public Education.

This committee has begun an examination of issues of common concern such as reducing unnecessary duplication in vo-tech programs, developmental planning and funding, and allocation of resources. A staff member in the Commissioner's office has been assigned to monitor vocational technical education and is responsible for developing information to support the interests of the Board of Regents in this area.

Community Colleges

The relationship of the community colleges to the Montana University System is defined by statute. The system of divided governance which is provided by law between the Board of Regents and the local Boards of Trustees for the community college districts, however, results in some lack of clarity concerning responsibility for certain aspects of the day-to-day operation of the schools.

In April, 1974, the Board of Regents adopted a set of policies which delineate the areas for which the Board is responsible. The Commissioner and his staff have implemented policies regarding curriculum, financing, personnel, admissions requirements and others. A community college coordinator has been designated on the Commissioner's staff as the liaison with these institutions. Legal assistance and advice have also been provided by the Commissioner's office.

Although a complete review of programs offered at community colleges has not been undertaken, the Board through the Commissioner has taken a more active role in determining appropriate program development. The Commissioner's staff has addressed questions of transferability of credits and articulation of programs with those offered at units of the Montana University System.

The Board of Regents recently authorized an honor scholarship fee waiver for outstanding community college graduates who wish to attend a Montana University System institution. This action extends a benefit previously unavailable to community college graduates.

II. FISCAL AFFAIRS

Accountability

The level of financial support and the method used in providing the legislature with financial accounting information in the Montana University System have been subjects of controversy for several years. Historical records indicate that the lack of financial accounting uniformity was of prime concern to the first Chancellor and the Board as early as 1917.

In recent years, the growing concern by the public about growth in government at both the state and federal level has fostered an era of "accountability". The demand for greater accountability by all types

of public institutions, including higher education, has precipitated many changes in the area of financial accounting.

In higher education, the goal of establishing a method of uniform accounting was complicated by the lack of national accounting standards and principles. In 1974, an accounting report was released as a result of a joint effort of the National Association of College and University Business Officers (NACUBO), the American Institute of Certified Public Accountants (AICPA) and the National Center for Higher Education Management Systems (NCHEMS). The report had the effect of codifying the various accounting principles and practices in existence at that time. In addition, the report provided a national framework of accounting standards and principles for colleges and universities.

Uniform Accounting System

Using the 1974 Report of the Joint Accounting Group as a catalyst for change, the Commissioner of Higher Education in 1974 recommended to the Regents that the Montana University System embark on an overhaul of the entire accounting system to make it a comprehensive uniform system that would be consistent with the newly adopted national standard.

The legislature in 1975 endorsed the Regents' action by inserting the following language in the University System appropriation bill:

> By July 1, 1976, all assets, liabilities, balances, receipts and expenditures of each university unit shall be accounted for in a uniform manner under a centralized accounting system which shall be totally consistent with the requirements and guidelines of the "Industry Audit Guide, Audits of Colleges and Universities" of the American Institute of Certified Public Accountants and "College and University Business Administration" prepared by the National Association of College and University Business Officers
>
> It is the intent of the legislature that duplication of existing accounting systems not occur and that to assure a coordinated state accounting system, the department

of administration and budget director assist the Board of Regents in developing and implementing the centralized system.

The project was started following legislative adjournment. Due to the compressed time framework, the Commissioner appointed the Controller from Montana State University and a local CPA firm to begin the project. Considerable progress was achieved as the direct result of this effort. By December, 1975, all funds held by the University System were transferred to the state treasury and temporary procedures were devised to accommodate university disbursements. In addition, the endowment and research foundations were separated from the accounts of the campuses and the relationship between the campuses and the foundations was defined.

In January, 1976, it became apparent that a greater level of financial resources and staff would have to be committed to the project if the legislative timetable was to be met. After reviewing the problem with the Regents, the Commissioner secured a contract with a national consulting firm to determine the best way to carry out the legislative mandate and to meet the Regents' commitment to accountability.

The result confirmed previous conclusions: Use the State's accounting system with appropriate modifications to achieve the goal of uniformity.

To carry out the project, two significant and crucial actions were taken by the Commissioner:

1. A consulting firm was retained to provide the needed manpower (approximately 4,000 man hours); and

2. A high-level Director of Accounting position was created within the Commissioner's office.

As a result, within a four month period, the financial transactions of all units of the University System will be accounted through use of the Statewide Budgeting and Accounting System and, in all material respects, uniform principles and methodologies will be applied in the process of

recording financial transactions.

Even though more progress toward the development of meaningful financial management processes have occurred during the last twelve months than ever before, considerable work lies ahead. For example:

1. Providing an encoding base at the larger units that does not require computer translation;

2. Developing the capability to efficiently and effectively provide complete grant and contract accounting within the central system;

3. Reviewing controversial areas of accounting principles wherein a considered but arbitrary decision has been made to avert impeding the system's development;

4. Instructing the line managers regarding the proper use of the System's output and determining whether the content and format provided facilitates their decision-making processes;

5. Refining, developing, and installing operational sub-systems which feed the central accounting system (payroll, registration, accounts receivable/billing, check writing, etc.); and

6. Generally providing that the system continues to respond to changing needs.

It is anticipated that a major benefit of the implementation of the uniform accounting system will be the greatly increased ability to generate complete and accurate financial data which will enable the Commissioner and the Regents to develop and justify budget proposals which meet the needs of higher education in Montana.

III. LEGAL AFFAIRS

The area of greatest growth in responsibilities which must be met by the Commissioner of Higher Education has been in legal services. Consequently, there has been a parallel growth in staffing. This section of the report contains a comprehensive analysis of the variety of tasks which continue to be performed by the legal staff.

Prior Practice

Any analysis of the legal services provided by the office of the Commissioner of Higher Education necessarily begins with a consideration of the manner in which the University System handled its legal problems prior to the appointment of a central staff of attorneys. Legal problems were previously handled on an informal and unstructured basis with volunary services by alumni filling some gaps, but with most on-the-spot decisions involving legal issues made by persons with no legal training using the "best-guess" method. If voluntary services were not available for the more technical tasks, such as contract drafting or property transactions, the campus con*racted with a local attorney for the services.

When matters were irretrievably set, the Attorney General's office did represent the various units in the ensuing litigation. It should be noted that even in some cases involving litigation, units were required to obtain and pay their own counsel. Montana State University, for example, was required to contract with local counsel on one matter involving litigation in 1973 at an expense of approximately $12,000. Montana State University also indicated that this was not an isolated incident. Similarly the University of Montana, in a rather detailed report on the cost of legal services, indicated that they paid in excess of $3,900 for legal services the second half of 1973 alone. As a result of the System's dependence on the Attorney General for legal services, in those instances when he chose to act, the Attorney General rather than the Board of Regents held policy control of the system with regard to any issues subject to differing legal interpretations.

Other points worth stressing in a consideration of prior procedures are the ad hoc, uncoordinated manner in which each campus handled its own labor relations resulting in wide disparities in pay and policy. Another result

was an absolute lack of systematic preventive legal work.

Development of Legal Staff

The legal office was established in January of 1974 with the appointment of one attorney. At that time, it was anticipated that the basic functions of the office would be to serve as the legal advisor to the Commissioner of Higher Education and the Board of Regents and to provide legal advice to the campuses on specific problems. Major emphasis was to be placed on preventive legal work. While these functions continue as major responsibilities of the legal office, the 1974 Legislature, by amending the "Public Employee's Collective Bargaining Act," added a major responsibility. The 1974 amendment designated the Commissioner of Higher Education the representative of the University System for purposes of collectively bargaining with university employee groups. The execution of this responsibility was assigned to the legal office. The magnitude of the task is illustrated by the fact that the University System's classified employees are divided into some 38 separate bargaining units distributed among 16 different unions.

Later in 1974, the Attorney General added to the workload of the legal office when he indicated by letter dated October 31, 1974 that he was transferring to the Commissioner's office all litigation then pending in his office which involved the University System. Since that time, the legal office has had responsibility for conducting all litigation which involves either the System as a whole or any of its constituent units.

The obligations of the legal office were further increased when the 1975 Legislature authorized collective bargaining by unit faculties.

During the same period, a number of Federal laws which affect Montana univerisities and colleges were adopted. In addition, various Federal investigative and enforcement agencies such as the EEOC have become increasingly involved in higher education both nationwide and in Montana. Similarly,

the University System has become increasingly involved with various state-created investigative and regulatory agencies. These include the Board of Personnel Appeals, the Human Rights Commission, the Legislative Auditor, and the Legislative Fiscal Analyst. While the functions of these agencies are not directed specifically toward the University System, all have an effect on System operations and must be dealt with either in whole or in part by the legal staff. Another function of the legal staff is evaluation of appeals to the Commissioner and Board from administrative determinations made at the campus level. While the majority of these appeals are from student residency determinations, a number have involved academic or employment questions.

By early 1975, it had become apparent that the legal staff would have to be expanded if it were to meet its original goals of providing timely legal advice to the Commissioner, the Board and the individual units, conducting a systematic program of preventive legal work, and also at the same time dealing adequately with its new responsibilities for collective bargaining, litigation, and sundry administrative proceedings. Accordingly, a decision was made to increase the legal staff by adding two lawyers immediately and a third prior to the commencement of pre-budget negotiations with the various unions representing system employees in early 1976. This decision led to the hiring of a second attorney in July, 1975. Because space in the Helena offices is limited, the additional proposed appointment was deferred until the first of 1976 when the need for additional legal staff became acute with bargaining deadlines approaching. To meet these demands, two attorneys were added in February, 1976 to complete implementation of the 1975 decision with regard to legal staffing.

Collective Bargaining

The greatest single consumer of legal staff time is collective

bargaining. Given the fact that System employees are now organized into 38 bargaining units with 16 different unions representing one or more bargaining units, the amount of time and effort required to prepare for bargaining sessions and to actually bargain with System employees and their representatives is necessarily substantial. The impact of collective bargaining is not limited to the actual negotiations but lasts throughout the life of the contract with the legal staff working with administrators and employee representatives to assure the smooth implementation of the contract and full compliance with all its terms. When disputes arise with regard to the meaning of contract terms or their administration, it is the responsibility of the legal staff to seek resolution of the dispute through appropriate channels.

The success of the legal staff in its collective bargaining efforts may be best evaluated by dividing the collective bargaining efforts into two groups for consideration. The first category includes the agreements reached with the unions representing the system's classified employees. Comprised of contracts with 12 unions representing 34 of the system's bargaining units, these contracts represent by far the larger of the two groups.

With regard to those contracts, a number of major achievements should be noted. In the past, each campus negotiated separate agreements with each campus bargaining unit. As a result of the independent campus negotiations, unions such as the Carpenters or Plumbers representing bargaining units on four campuses, previously negotiated four separate and different contracts with the University System. Inevitably, bargaining on this basis resulted in pay disparities for employees performing identical work at different units. It also allowed the unions to exert pressure on

the individual units using a concession bargained at the table on one campus to force concessions on another. Another problem under prior procedures was that each contract was unique with few, if any, common provisions. The unique nature of each contract resulted in confusion as to the rights and obligations of the employer and the employee with corresponding problems in contract administration and ill will.

When responsibility for collective bargaining was assigned to the legal staff, the foregoing problems were noted and steps taken to solve them. By negotiating a single contract with each of the 13 unions, the pay disparities and "whipsawing" inherent in the old system have been eliminated. Insofar as possible at the table, uniform provisions have been incorporated into all contracts to deal with matters such as policies for new hires, grievance procedures, holidays, computation of vacation and sick leave, layoff and termination procedures, and most other terms and conditions of employment. These uniform provisions have eased contract administration and helped avoid misunderstanding over mutual rights and obligations of the parties. Also, included in each of the classified employee contracts are provisions obligating both the University System and the unions to meet and bargain on all aspects of the contract which have a direct financial impact prior to the time the Regents are required to submit their proposed system budget. These pre-budgetary negotiations will aid the Regents in the formulation of a realistic budget and provide the Legislature with an accurate indication of the System's needs for the biennium.

The second group of collective bargaining agreements includes the three contracts between the University System and the faculty unions at Eastern, Northern, and Western. Included also in this category is the memorandum of understanding between the University System and the Health Service Nurses at Montana State University. Faculty collective bargaining, given

legal sanction in Montana by the 1975 Legislature, is nearly as new on the national scene with almost all development in the area occurring in the last ten years. The concommitant lack of established traditions and the fact that these were the first contracts of this kind in Montana, while it made the process of negotiation uncertain and difficult, opened a number of opportunities to implement system policy.

Of the contract provisions which implement Regents' policy, perhaps the most significant are those which address faculty evaluation. Typical of these provisions is that contained in Western's faculty contract. It provides:

> 8.640 EVALUATION OF FACULTY ON TENURE APPOINTMENTS
>
> Tenured faculty shall receive a thorough academic performance evaluation by the Tenure and Promotion Committee in every fifth year subsequent to tenure appointment. The Tenure and Promotion Committee may recommend at the time of such evaluation a return to probationary contract status, dismissal for adequate cause or the continuation of tenure status for an additional five years until the next academic performance evaluation. All presently tenured faculty members will undergo an academic performance evaluation by June 30, 1977.

Rigorous application of this section will help eliminate inefficient or incompetent faculty members by requiring tenured faculty to meet on a continuing basis the highest standards of academic performance. It will benefit the students and the institution by assuring such standards and will help to answer public criticism of faculty performance standards.

Another area in which all three contracts implement high priority Regents' policy is merit pay. Clearly meritorious faculty members should be rewarded for their efforts. Each contract contains provisions through which faculty merit is evaluated and rewarded.

Other contract provisions implementing Regents' policy are the sections in each of the contracts establishing faculty responsibilities

and student rights. The student rights established by each contract extend beyond the responsibilities set forth for faculty. Typically, these rights include the right to a written course syllabus and the right to a written statement on the manner in which a student's course work will be evaluated. Also established by the student rights sections are grievance procedures through which a teacher's determinations may be appealed by a student.

The inclusion of these Regents' policies in mutually agreed on contracts marks a major step forward for the University System. The net effect of the provisions should be to increase the effectiveness of the System as an educational entity while enhancing the rights of both students and faculty by clearly stating their obligation and their rights.

Already mentioned as an important but seldom discussed part of the collective bargaining process is the administration of the contract once agreement has been reached. In its most dramatic form, contract administration involves representation of the University System in arbitration or court proceedings to determine the meaning or effect of a provision in the contract. More frequently, it consists of advising administrators as to the meaning of contract terms, reminding them of their obligations under the contract and working with employee representatives informally to resolve disputes and solve problems as they arise. Essential to the proper functioning of the collective bargaining process, contract administration requires constant and immediate attention. With 16 unions and 38 bargaining units spread throughout the six campuses, it has come to absorb increasing amounts of legal staff time.

Another aspect of the collective bargaining process which requires considerable legal staff time is appearances before the Board of Personnel Appeals. In the past year, the legal staff has represented the University

System in five unit determination hearings. The legal staff has also represented the System before the Board in a proceeding for unit clarification and in a classification appeal. All of these proceedings have required extensive research and other preparations prior to the hearing.

Administrative Proceedings

Another major area of legal staff work involves informal and formal proceedings which may be loosely characterized as administrative proceedings in which the University System is involved with some entity outside the System and those proceedings which involve internal System determinations.

The involvement of the University System with Federal investigative and regulatory agencies has included, since the establishment of the legal division, some ten investigations by the Equal Employment Opportunity Commission and three compliance investigations by the Wage and Hour Division of the U.S. Department of Labor. Given the publicly avowed E.E.O.C. goal of expediting their complaint procedures and reducing the backlog of pending complaints it seems likely that the number of E.E.O.C. investigations will continue to increase. In addition, the enactment of Title IX of the 1972 Amendments to the Higher Education Act of 1965 and adoption of detailed, implementing regulations will impose new responsibilities on the legal staff. Similarly, the enactment of the Family Educational Rights and Privacy Act will result in some increased legal staff involvement in administrative work on the campus level.

At the state level, the Human Rights Commission has investigated some six separate complaints involving units of the University System. While none of these complaints has been found to be meritorious, each has required a response which includes answering numerous interrogatories. This agency has become increasingly active with the result that the number of

complaints involving the University System will likely increase.

Internal administrative proceedings generally involve appeals from a decision made at the campus level to the Commissioner or from a decision of the Commissioner to the Board of Regents, as provided in the Regents' By-Laws. While most of these appeals involve student residence status, some involve academic and employment matters. Currently, approximately ten such internal appeals are handled by the legal staff each month. When the grievance procedures required by Title IX, the Buckley Amendment and by the faculty collective bargaining agreements are fully implemented, it is anticipated that the number of internal appeals will increase.

A part of the administrative duties of the legal staff is advising campus administrators as to what procedural steps are required in a given situation. By helping assure that proper procedures are followed, the legal staff has been able to avoid actions on the campus level which create a potential legal liability.

Legislative Liaison

Legal staff responsibility with regard to the University System's interaction with this Legislature consists of three areas: evaluation of proposed legislation, implementation of enacted legislation, and work with legislative interim committees.

The first area of legal staff responsibility, analysis and evaluation of proposed legislation, occurs during the course of the legislative session. Essentially, this task consists of reviewing all legislation introduced during the session to determine its direct or indirect impact on the University System. If it appears that proposed legislation will have an impact on the University System, a detailed analysis of the bill is completed. As part of the analysis, amendments which would minimize or eliminate objectionable impacts of the legislation are proposed. Other

parts of this task include testifying before legislative committees when requested to do so by the Commissioner and the preparation of possible legislation on request. The magnitude of this task is reflected by the fact that over sixty bills affecting the University System were introduced during the last legislative session. A similar but less comprehensive monitoring of Federal legislation potentially affecting the University System is conducted by the legal staff.

Legal staff responsibility for legislation does not end with the conclusion of a legislative session. Of the sixty-two bills affecting the University System introduced in the last session, forty-two became law. The legal staff developed policies required to implement this mass of new law and submitted them to the Commissioner and through him to the Board for their consideration and action. In all areas affected by the new laws, the legal staff reviewed existing System policy and practice for possible conflicts and where appropriate, suggested the changes needed to conform System practice to the law. Similarly, Board policies and campus practices are reviewed in light of new Federal legislation, regulations and changes suggested when required to comply with new standards.

Another facet of implementation involves a review of all enacted legislation for constitutional implications. Because the new constitution establishes the Board of Regents as a constitutionally autonomous board vested with "full power, responsibility, and authority to supervise, coordinate, manage and control the Montana University System," all new legislation which purports to affect the University System must be analyzed for potential conflict with the Regents' constitutional authority. Since the adoption of the new constitution, both the Legislature and the Regents have been struggling to determine the limits of their respective authority over the University System. As a result of this constitutional relationship,

there are few established guideposts concerning the limits of legislative power over the University System. Accordingly, given the reluctance of legislators to surrender any of the authority they held under the old constitution, this struggle will almost certainly continue in the future. In the only major judicial interpretation of the Regents' constitutional power obtained to date, the legal staff won a decision favoring the autonomy and authority of the Regents in Regents v. Judge. Before the parameters of this autonomy and authority are finally determined, a number of additional judicial determinations will be required. These determinations will be sought by the legal staff whenever the Regents or the Commissioner feel that constitutional prerogatives have been invaded by either the legislative or executive branches of state government.

The final area in which the legal staff interacts with the legislative branch is with interim legislative committees and their staffs. In the recent past, the most time consuming of these relationships has been with the Legislative Interim Finance Committee and the Legislative Fiscal Analyst and his staff. In addition to the continuing legal research required to respond to the Legislative Fiscal Analyst's routine allegations and inquiries, the legal staff has been involved in two major confrontations between the Fiscal Analyst and his committee and the Regents. The first of these was finally resolved in favor of the Regents by the Montana Supreme Court's decision in Regents v. Judge already cited above. The second confrontation involves the authority of the Regents to expend earmarked revenues received by the University System which exceed the amounts set out in the System appropriation bill (HB 271). Parenthetically, it might be noted that these excess amounts were not included in the appropriation because the Legislature chose to rely on figures prepared by the Fiscal Analyst rather than the Regents' projections. To date the legal staff has submitted to the Regents

its opinion that the Board had the authority to expend the funds and has obtained an Attorney General's Opinion to the same effect. The Fiscal Analyst and his committee, however, remain adamant on the matter apparently feeling that the Regents' authority to spend these funds should be established by the judiciary. If a court test is sought, the Commissioner's legal staff will represent the Board.

Other areas of interaction with interim committees are both less acrimonious and more constructive. They include a review of legislative audit reports to determine if the recommendations are well founded, and if they are, to recommend corrective action. The legal staff also represents the Commissioner before other interim commitees such as the Administrative Code Committee and presents the University System's views on the matter being considered by the Committee. They also represent the Commissioner before administrative bodies in rule-making proceedings which affect the University System.

Litigation

Since the Attorney General transferred all pending litigation involving the University System to this office in October, 1974, the legal staff has had full responsibility for litigation involving the System. Generally, the case load includes from ten to fifteen pending cases. Of these, four to six are closed each year and approximately as many new cases filed. While the number of cases may not seem overwhelming, substantial effort is required, particularly in view of the range of issues involved. The pending litigation includes such disparate issues as degree eligibility, Title VII compliance, and employment and promotion practices. The potential liabilities involved are also substantial with more than $600,000 being claimed in one action. It is one reflection of success for preventive legal work that in an increasingly litigious age,

there has been only a moderate increase in actions filed against the University System since the inception of the central legal staff.

Community Colleges

While the Legislative Fiscal Analyst has blocked direct financial aid from the Board of Regents to the community colleges, it has been possible to render some measure of support to these schools by providing them with legal assistance in certain areas. Generally this aid is limited to areas in which the Regents have a direct interest such as budget matters or matters affecting accreditation. An example is legal staff representation of the community colleges in eight pending cases (not included in the section discussion above) in which railroad interests are challenging the validity of a tax levied for the support of the community colleges. The legal staff has also provided assistance to the community colleges with regard to labor relations. This assistance has included appearances before the Board of Personnel Appeals. It should be noted that assistance is provided only after a request is received from the college.

Preventive Legal Work

One of the principle reasons for establishing a legal staff in the Commissioner's office, preventive legal work, is still a major responsibility. In simplest terms, preventive legal work is the identification of a potential legal problem and the elimination of the problem through corrected procedures prior to the time legal liability for improper action accrues. Toward this end, the legal staff is reviewing faculty handbooks at all of the campuses and has participated in the revision of faculty contracts. In this connection, analysis of union collective bargaining proposals and the suggestion of counterproposals for inclusion in bargaining agreements requires preventive legal work. Also preventive in nature is the continuing review of Board policy. This review has resulted

in the submission of numerous policy items to the Board. Examples of this kind of suggested policy item from a recent Board meeting include policies on public information and participation, entertainment, expenses, and non-discrimination. Currently being prepared are policies designed to clarify residency rules, internal appeals procedures, limitations of consulting practices, and other matters of systemwide impact.

Another aspect of preventive legal work is monitoring and assisting in compliance with established policy and legal requirements. Examples include continued efforts to explain and implement state and federal non-discrimination and affirmative action requirements and explanations related to the requirements of the Buckley Amendment. The legal staff also responds to specific legal questions concerning proposed actions or situations, and by providing timely legal advice, is able to prevent problems presented by precipitate or uninformed decisions.

By drafting and review of deeds, contracts, leases and related documents required by the System and the individual campus, the legal staff is able to avert problems which could result from poorly drafted or standard form instruments. It is clearly advantageous to have these documents prepared by a legal staff fully cognizant of the special problems inherent in higher education and fully informed as to System policy.

IV. MANAGEMENT

Development of Policy

One of the primary reasons for establishing central authority is to facilitate the formulation and implementation of policies in a uniform and equitable manner. Recognizing that System policies cannot be developed without the advice and input of concerned groups, the Commissioner established a system of inter-unit committees and advisory councils to draw upon the expertise of appropriate persons and to allow representation

and participation of campus constituencies. There are approximately thirty such bodies for which staff members serve as liaison (see Appendix A). The Commissioner promulgated guidelines for the appointment and operation of these committees.

This system, which provides access to and responsible participation in decision-making, may have done more than any other single factor in promoting cooperation among the various units of the Montana University System. In the past, campuses rarely worked together on issues of common concern and often were unaware of the actions or policies of other institutions. There were very few systemwide policies although many aspects of institutional operation were, or should have been, uniform. Polices have now been adopted by the Board of Regents which ensure uniformity in areas of major significance (see Appendix B). New policies cover such areas as personnel (e.g., labor negotiations, consulting services, presidential review, contracts, search procedures, faculty exchange, tenure), financial affairs (e.g., investments, use of building fees, annual financial reports, purchase of property, fee waivers, tax sheltered annuities), curriculum (e.g., submission of proposals, resident credit, continuing education), student concerns (e.g., classification, fees, athletics, dormitories, participation in collective bargaining and selection of administrative officers). Policies have also been adopted on public notice and participation and on non-discrimination in all aspects of employment and educational programs.

Public Information

Another area in which major progress has been made is in public information. There was, under the previous system, no cohesive effort to inform the public of either the opportunities available though higher education or of the on-going decision-making which affects the cost or

benefits to the taxpayer. Although individual campuses had information programs, material distributed through those efforts was concerned only with a single unit. A public information officer was employed in the central office to alleviate this problem. Since that appointment a number of efforts have been undertaken. Public forums were arranged on each campus; a Directory of Higher Education in Montana was prepared and widely distributed; the newsletter was upgraded and distribution improved; a series of radio programs was developed and several public service television spots were prepared. A network of media contacts was established and more regular and comprehensive news releases have been issued.

In addition, the Commissioner's office has worked closely with the individual campus information programs to promote better cooperation. A study on public information in the system was undertaken and recommendations forwarded to the Commissioner.

Other efforts have included arrangement for several television programs on topics ranging from the Board of Regents to intercollegiate athletics. The Commissioner has made numerous public appearances and has been interviewed on major state news programs to discuss the University System. In addition, the Commissioner's office coordinated the System's participation in the Montana Trade Showcase which was attended by representatives of business and industry from throughout the state and nation.

The Board adopted a policy on public notice and participation which ensures that all interested persons will have prior notice of proposed actions of the Board and opportunity to comment.

Federal Programs

By statute, the Commissioner of Higher Education is designated as the chief executive officer of the State Postsecondary Planning Commission (1202 Commission). He is also the chief executive officer for the State

Commission for Federal Higher Education Programs. He is responsible for administering funds made available under various sections of the Higher Education Act of 1965. These include Title I (Community Service and Continuing Education), Title VI-A (Undergraduate and Instructional Equipment), and Title VII (Grants for Construction of Undergraduate Facilities).

The Commissioner has applied for and received planning funds under Section 1203 of the Federal Act for Higher Education. In addition, the Commissioner is the administrator for the Federal Student Incentive Grant Program which was funded for the first time during the 1975-77 biennium.

Facilities Planning

Although it might have occurred a decade late, the central office staff and a new Capital Construction Committee of the Board have become more directly involved in facilities planning and control for the University System. The Commissioner now recommends architects and engineers to the Board of Examiners only after representation of his staff and local committees have conducted extensive interviews on the campuses where the projects are located.

In addition, the Commissioner appointed a task force to consider ways to provide better accessibility of facilities for handicapped persons. The task force will also make recommendations on the planning and construction of new facilities which will address the problems of this group.

Computer Capability

A Computer Coordination Committee was appointed by the Commissioner in 1973 to examine proposed computer acquisitions and to explore the feasibility of developing a network which would provide computer capability to all units of the Montana University System and to the community colleges. This effort is expected to parallel the development of a

management information system to facilitate policy and program planning.

Cooperation with Other Agencies and Boards

Another major advantage of the development of a central office has been the increased capability for cooperation and liaison with other state agencies and boards. Much closer relationships have been established with staff of the Superintendent of Public Instruction on areas of mutual concern such as certification and other aspects of teacher preparation, educational programs for Native Americans, vocational education and statistical information. A task force on cooperation with the Department of Institutions has been established to consider sharing of resources and the development of programs which more directly meet the needs of the state for human services. A task force was established to work in cooperation with the Developmental Disabilities Council to explore ways in which the Montana University System may assist in serving this population. The Commissioner and his staff have participated with other agencies in developing appropriate personnel policies, in addressing energy conservation, in developing long-range plans for state government, in examining the need for training of personnel in the allied health fields, and in establishing statewide collective bargaining policy.

Other cooperative efforts have addressed regulation of proprietary and private institutions, administration of the legislative intern program and implementation of Title IX regulations prohibiting discrimination on the basis of sex.

In addition to increased cooperation between the Commissioner's office and other agencies, the Board established closer ties with the Board of Public Education. Two joint committees were formed to facilitate discussion of areas in which responsibilities may overlap. The Joint Curriculum Committee has considered certain aspects of teacher preparation

and programs for Native Americans. The Joint Vocational Education Committee has begun to address long-range planning.

Special Services

A number of projects, reports, and services have been initiated by the Commissioner to address specific problems which confront higher education. A study was completed on accessibility of postsecondary education to Montana's citizens. The study dealt with a number of areas which have a bearing on how people perceive educational opportunities and whether they use them. Curriculum, counseling, cooperation between public and postsecondary schools, and psychological and economic factors were considered to be of primary importance. Follow-up will include greater efforts at reaching non-traditional students, improved counseling at the high school level, better student advising at the college level, and greater cooperation between secondary and postsecondary education.

After a year and a half of study, a report entitled the Indian Culture Master Plan was completed. The Master Plan, which was adopted jointly by the Board of Regents and the Board of Public Education, outlines a program which is designed to make educational programs more relevant to Native Americans and to increase the effectiveness of public school teachers in their relationships with Indian students.

Studies have been completed on insurance policies covering personnel and students in the Montana University System and on the adequacy of fire and casualty coverage, on increasing philanthropic contributions to the campuses and on coordination of inter-unit projects. A comprehensive review of the policies and procedures related to tax sheltered annuities for System employees was also conducted. In addition, an analysis of claims experience versus premiums for workers compensation insurance was completed, resulting in reduced premium rates for our colleges and

universities. Underway is a study to recodify and update all official Regents policy.

Several workshops on increasing private donations to colleges and universities were sponsored by the Commissioner including one to explore development of a program for life-insurance funded charitable bequests.

A workshop on tne implementing of regulations for Title IX of the Education Amendments was sponsored for all appropriate administrative officials in the University System. This portion of the federal education legislation prohibits discrimination on the basis of sex in all educational programs and in employment practices of higher education institutions. The Title IX Specialist from the Office for Civil Rights was brought to Montana to assist institutions in evaluating modifications which will be necessary to bring their operations into compliance.

Staff Expansion

The Commissioner's staff has grown from 8 in July, 1973 to 18 at present. The addition of three new positions and the elimination of one current position, will result in a full staff of 20 within the next year. No additional staff will be anticipated, at least through 1981, except for short-term legislative interns and part-time clerical assistants. Half of the increase in staff is accounted for by the addition of four attorneys and a legal secretary, as can be seen from the following table:

Staff Growth

	7-1-73	7-1-76	Projected 1-1-77
Administrative	2	4	4
Financial	1	2	3
Academic	0	1	1
Legal	0	4	3
Research/Planning	0	0	1
Secretarial	5	7	8
Total	8	18	20

V. COMMISSION ON POSTSECONDARY EDUCATION

In 1973 the Governor appointed the Commission on Postsecondary Education. This body reviewed existing opportunities, examined problem areas and ultimately produced a series of 127 recommendations. The Chairman of the Board of Regents served as Chairman of the Commission. The Commissioner of Higher Education was an appointed member. Members of the Commissioner's staff served on the technical committees which developed background information to enable the Commission to formulate its recommendations. When the Final Report was disseminated in January of 1975, the Commissioner's staff began an immediate review to determine which recommendations were feasible for implementation. In many instances, recommendations were made regarding areas which were already being modified or explored.

In the last year and one half, certain recommdations on accessibility, program emphasis and administration have been implemented or undertaken.

For example, early admissions and time-shortened baccalaureate degrees have been examined. Transferability of credits has been improved. Studies have been completed on a uniform calendar and appropriate common course numbering has been proposed. Proportionate fees and eligibility for financial aid for part-time students have been established and fee waivers made available for senior citizens. A major report on adult and continuing education was proposed and its recommendations were adopted by the Board. A plan was adopted to better prepare teachers of Indian children and support was given to campus programs for Native Americans and women.

The Commission recommended review of numerous administrative and curricular functions. Guidelines and procedures have been established regarding presidential and professional administrative staff review. Modifications in tenure policies and the implementation of a form of post-tenure review have been accomplished through the collective bargaining process. Detailed

guidelines have been promulgated for approval of new programs, and reviews have been completed for duplicate Ph.D. programs and for teacher education programs. A cycle of reviews for all academic programs has been established. Review and revision of all role and scope statements for Montana University System institutions has been nearly completed. A review of vocational-technical programs offered in the Montana University System was undertaken and policies established to insure appropriate development of such courses. On the campus level, reviews of institutional governance structures have been initiated.

Another area to which the Commission paid considerable attention is fiscal affairs -- acquiring adequate funding, managing finances and allocating available funds. The first priority for this biennium has been improvement of the inadequate salaries for faculty. In doing so, however, consideration of equity and merit have been carefully weighed. A uniform accounting system has been designed and is partially operational. Full implementation will be completed this year. Efforts to generate external funding to supplement and improve programs have been supported. The proportion of the cost of higher education paid by students has been maintained at the same level even though it has meant underfunding in some areas.

Another major area of concern to the Commission was the viability and role of the Office of the Commissioner of Higher Education. Recommendations were made on the development of adequate professional staff and on compensation and benefits for the Commissioner. Although some progress has been made to implement these recommendations, the responsibilities of the Commissioner and his staff have grown far beyond ability to meet them with current personnel. Plans have been formulated to accomplish recommendations on such complex areas as long-range planning and the development of a management information system. To do so, however, will require additional per-

sonnel. The Regents have affirmed on numerous occasions their intention to insure adequate staffing and have directed the Commissioner to employ appropriate personnel.

In summary, the Regents and the Commissioner have expressed their agreement with and support for the statement of goals adopted by the Commission:

1. Our primary goal as a Commission and the primary goal of Montana postsecondary education should be to enhance the opportunities for learning available to Montanans. We are concerned about the quantity and quality of learning opportunities. And we believe that the learning experiences available through our institutions should respect the individualism and diversity of Montanans.

   In this spirit, we propose the following long-range goals for Montana postsecondary education:

   -- Equal and universal opportunity for Montanans with motivation and ability to benefit, regardless of race, creed, sex, age, national origin or economic status to participate in postsecondary education.

   -- A comprehensive system of postsecondary education which provides sufficient programs and experiences to meet the needs of Montanans.

   -- A variety of educational experiences and organizations to reflect the educational goals and learning styles of persons whose needs must be met by postsecondary education.

   -- Commitment to the growth and self-realization of the individual student including intellectual, personal and vocational development.

   -- Excellence in all aspects of postsecondary education, including instruction, research and public service.

   -- Coordination and planning to assure diversity, comprehensiveness and cooperation between units and systems of postsecondary education and protection of the public interest.

   -- Continuous innovation and self-renewal in all institutions of postsecondary education.

   -- Protection of academic freedom and assurance of academic responsibility.

-- Flexibility at the state, system and institutional levels to facilitate adaptation to changing circumstances.

-- Responsiveness to changing needs of the state, communities and people of Montana, which includes bringing the resources of postsecondary education to bear upon the problems of society.

-- Use of resources in the most educationally productive and cost-effective ways, including resources that exist in people with special skills, professional or otherwise.

-- Accountability which protects the rights of all who participate in postsecondary education, including students, faculty, staff and taxpayers.

The past several years during which governance of higher education in Montana has been the direct responsibility of a constitutionally autonomous Board of Regents have resulted in major progress toward these goals and objectives.

INTER-UNIT COMMITTEES

Advisory Committee on Charter Flights
Commissioner's Advisory Committee on the Bureau of Mines
Common Calendar Task Force
Council of Academic Vice Presidents
Council of Presidents
Faculty Senate Chairmen
Inter-Unit Advisory Committee on Articulation
Inter-Unit Benefits Committee
Inter-Unit Budget Committee
Inter-Unit Business Managers
Inter-Unit Committee on Athletics
Inter-Unit Committee on Affirmative Action
Inter-Unit Committee on Computer Coordination
Inter-Unit Committee on Continuing Education
Inter-Unit Committee on Educational Broadcasting
Inter-Unit Committee on Energy Conservation
Inter-Unit Committee on Facilities for the Handicapped
Inter-Unit Committee on Labor Relations
Inter-Unit Committee on Libraries
Inter-Unit Committee on Native American Studies
Inter-Unit Directors of Information
Inter-Unit Faculty Council
Inter-Unit Financial Aid Officers
Inter-Unit Personnel Officers
Inter-Unit Student Advisory Council
Montana Association of Collegiate Registrars and Admissions Officers
Planning and Physical Plant Personnel
School College Relations Committee
University System and Department of Institutions

SIGNIFICANT CHANGES IN BOARD POLICY

1. Item 1-001-R0773:
   Authorization to Invest Non-Treasury Funds Through the Board of Investments, Montana University System

2. Item 2-902-R0973:
   Authorization for Commissioner of Higher Education to Create Inter-Unit Advisory Committees, Montana University System

3. Item 2-006-R0973:
   Authorization for Commissioner of Higher Education to Assist in Labor Negotiations, Montana University System

4. Item 2-001-R0973:
   Policy Statement on Guidelines for Curriculum Proposals, Montana University System (Revised)

5. Item 2-004-R0973:
   Organization of the Council of Presidents, Montana University System

6. Item 2-005-R0973:
   Policy Regarding Labor Negotiations, Montana University System

7. Item 2-901-R0973:
   Duties of the Commissioner of Higher Education, Montana University System

8. Item 2-015-R1073:
   Consulting Services Policy, Montana University System

9. Item 2-016-R1073:
   Authorization for Use of Building Fees, Montana University System

10. Item 3-006-R1273:
    Providing for Submission of an Annual Inventory and Validation of Miscellaneous Fees and Charges, Montana University System

11. Item 3-013-R1273:
    Submission of Annual Financial Reports, Montana University System

12. Item 3-014-R1273:
    Qualification and Classification of Students for Fee Purposes, Montana University System

13. Item 3-008-R1273:
    Policy on Procedure for Purchase of Real Property, Montana University System

14. Item 3-901-1273:
    Authorization for Commissioner of Higher Education to Cooperate with State Personnel Bureau

15. Item 3-020-R0174:
Procedures for Handling Capital Improvement Projects, Montana University System

16. Item 3-016-R0174:
Regulations respecting Local Executive Boards for Institutions of the Montana University System Subject to the Jurisdiction of the Board of Regents of Higher Education

17. Item 3-902-R0174:
Authorization for the Commissioner of Higher Education to Establish Guidelines for the Granting of Resident Credit for Course Work Off Campus, Montana University System

18. Item 3-021-R0174
Policy Regarding the Hiring of Personnel to Perform Special Services, Montana University System (Revised)

19. Item 4-004-R0474:
Division of Governance Responsibilities, Montana Community Colleges

20. Item 4-013-R0474:
Performance Review of Presidents, Montana University System (Amended)

21. Item 4-011-R0474:
Policy Regarding Organization of Community College Districts

22. Item 4-007-R0474:
Policy Regarding Budgeting and Fiscal Matters, Montana Community Colleges

23. Item 4-005-R0474:
Curricula, Montana Community Colleges

24. Item 4-006-R0474:
Degree and Certificate Offerings, Montana Community Colleges

25. Item 4-008-R0474:
Policy Regarding Presidents, Faculty and Personnel, Montana Community Colleges

26. Item 4-010-R0474:
Policy Regarding Property and Construction, Montana Community Colleges

27. Item 4-009-R0474:
Policy Regarding Students and Student Fees, Montana Community Colleges

28. Item 5-004-R0774:
Resolution Regarding Athletic Programs, Montana University System

29. Item 5-005-R0774:
Women's Intercollegiate Athletics, Montana University System

30. Item 5-006-R0774:
Policy Regarding Fee Waivers, Montana University System (Revised)

31. Item 5-901-R0774:
Guidelines Relative to Granting Resident Credit for Off-Campus Work, Montana University System

32. Item 5-001-R0774:
Policy Regarding Commissioner's and Presidents Contracts, Montana University System

33. Item 6-003-R0974:
Guidelines for the Review Process for the Commissioner of Higher Education and Presidents, Montana University System

34. Item 6-004-R0974:
Policy Regarding Search and Screening Committee for Presidents, Montana University System

35. Item 6-005-R1174:
Policy Regarding Inter-Unit Projects, Montana University System

36. Item 7-001-R1274:
Authorization for University System Personnel to Act on Behalf of the Montana University System in the Incorporation and Management of the Montana Energy and MHD Research and Development Institute

37. Item 7-003-R0175:
Resolution Regarding Student Participation in Collective Bargaining Negotiations, Montana University System

38. Item 7-005-R0275:
Collective Bargaining Procedures With Non-Academic Personnel, Montana University System

39. Item 8-001-R0475:
Policy Regarding the Selection of Academic Administrators, Montana University System

40. Item 8-001-R0675:
Authorization for Awarding Continuing Education Unit, Montana University System

41. Item 10-001-R0975:
Policy Regarding Dormitory Residence, Montana University System

42. Item 10-501-R0975:
Role of the Bureau of Mines and Geology

43. Item 10-003-R1175:
Policy Regarding the Hiring of Personnel to Perform Special Services, Montana University System

44. Item 11-901-R1275:
Policy Regarding Public Notice and Participation, Board of Regents of Higher Education

45. Item 11-003-R0276:
Policy Regarding Faculty Exchange Agreements, Montana University System

46. Item 11-004-R0276:
Policy Regarding Student Involvement in Departmental Personnel Decisions, Montana University System

47. Item 11-010-R0376:
Policy Regarding Student Participation in Personnel Decisions Concerning Academic Administrative Officers, Montana University System

48. Item 12-003-R0676:
Authorization for Units of the Montana University System to Negotiate for and Purchase Tax Sheltered Annuities and Deferred Compensation Plans for Employees

49. Item 12-008-R0676:
Policy Authorizing the Granting of Credit Toward the Acquisition of Continuous Tenure for Service at Foreign Institutions, Montana University System

50. Item 12-006-R0676:
Policy on Procedures and Limitation for Campus Hospitality, Montana University System

51. Item 12-004-R0676:
Policy on Non-Discrimination, Montana University System